

REMARKS/ARGUMENTS

The office action of September 20, 2005 has been carefully reviewed and these remarks are responsive thereto. Reconsideration and allowance of the instant application are respectfully requested. Claims 25, 26, 28 and 29 are pending. Claims 1-24 and 27 were previously canceled without prejudice or disclaimer.

Claims 25-26 and 28-29 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. patent 5,809,331 to Staats et al. ("Staats '331") in view of U.S. patent no. 5,339,432 to Crick ("Crick") and further in view of U.S. patent no. 5,968,152 to Staats ("Staats '152"). Applicants respectfully traverse this rejection.

The action alleges that Staats '331 discloses all the features of independent claim 26, but for prompting a user to manually load a device driver compatible with the operating system, if neither a device driver nor a pointer to a device driver compatible with the operating system running on the computer is stored in non-volatile memory, wherein the pointer includes a uniform resource locator (URL). To show prompting, the action relies on Crick and to show the pointer including a URL, the action relies on Staats '152. The action contends that one skilled in the art would have modified Staats '331 with Crick "to allow a user to select and configure a device driver because by doing so allows the user to upgrade a device driver without having to configure any arcane and poorly documented system configuration settings." Then, the action contends that one of ordinary skill in the art would have applied Staats '152 "because of the ability to accommodate future device use in the computer systems."

Applicants submit that given the knowledge of Staats '331, Crick and Staats '152 one skilled in the art would not have combined the references in the manner alleged in the action. More particularly, Staats '152 provides device drivers referenced by a URL for plug and play operation so that an operating system can load and use each driver without having to manually install each driver. Tellingly, at col. 6, lines 16-20, Staats '152 describes that "[f]or 'true plug and play' operation, each device (or unit) of computer system 50 must be able to provide its own device driver so that an operating system can load and use that driver *without the need for manual driver installation*." Col. 6, lines 17-20 (emphasis supplied). The drivers "may be made available over the internet, referenced by a URL." Staats '152, col. 6, lines 25-26. Given the

discussion in Staats '152, one skilled in the art would have had no reason to allow for prompting a user to manually load a device driver compatible with the operating system if neither a device driver nor a pointer to a device driver compatible with the operating system running on the computer is stored in memory. Indeed, if Staats '331 and Staats '152 were combined, the need "to configure any arcane and poorly documented system configuration settings" would have been eliminated. One of the benefits of using a URL is that a user can access the latest version of the device driver. Namely, the user would not have had to go through the process of manually selecting and configuring a device driver to upgrade the device driver because the latest upgraded device driver would be accessible to the user via a URL. As such, one skilled in the art would not have been motivated to modify Staats '331 with both Crick and Staats '152 when Staats '152 leads the skilled artisan to eliminate the need to prompt a user to manually load a device driver. Combining the prior art in the manner alleged in the action would constitute an exercise of impermissible hindsight.

In view of the foregoing, the combination of Staats '331, Crick and Staats '152 as alleged in the action is improper. Consequently,

For at least the aforementioned reasons, claim 26 and claim 25, which depends from claim 26, are patentably distinguishable from the art of record. Also, claim 29, which calls for features similar to claim 26 is allowable for the same reasons set forth above regarding the impropriety of the applied combination. Claim 28 which depends from claim 29 is allowable for the same reasons as claim 29.

CONCLUSION

It is believed that no fee is required for this submission. If any fees are required or if an overpayment is made, the Commissioner is authorized to debit or credit our Deposit Account No. 19-0733, accordingly.

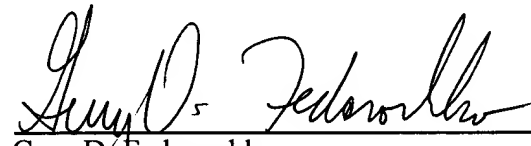
All objections and rejections having been addressed, applicants respectfully submit that the instant application is in condition for allowance, and respectfully solicit prompt notification of the same.

Respectfully submitted,

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